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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY



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LOCKET FILE COPY ORIGINAL

September 20, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

CTIA

Cellular
Telecommunications
Industry Association
1250 Connecticut
Avenue, N.W.
Suite 200
Washington, D.C. 20036
202-785-0081 Telephone
202-785-0721 Fax

Re: Ex Parte Filing
PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Mr. Caton:

On Tuesday, September 20, 1994, copies of the attached letters, and referenced Oppositions to State Petitions, were served on:

Chairman Reed Hundt
Commissioner Andrew C. Barrett
Commissioner Susan Ness
Commissioner Rachelle B. Chong
Commissioner James H. Quello

Ms. Karen Brinkmann
Mr. James Coltharp
Mr. David Siddall
Ms. Jill Lockett
Mr. Rudolfo Baca

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and the attachment are being filed with your office.

If there are any questions in this regard, please contact the undersigned.

Sincerely,

Robert F. Roche

Attachments

No. of Copies rec'd
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Randall S. Coleman
Vice President for
Regulatory Policy and Law

September 20, 1994

Chairman Reed Hundt
Federal Communications Commission
1919 M Street, N.W. Room 814
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Chairman Hundt:

Last year, Congress amended the Communications Act to create a uniform, nationwide, streamlined regulatory regime for mobile telecommunications services and to ensure that substantially similar services are subject to similar regulation. In order to "foster the growth and development of mobile services that, by their nature, operate without regard to state lines as an integral part of the national telecommunications infrastructure," Congress granted the Commission discretion to forbear from imposing certain Title II requirements upon Commercial Mobile Radio Service (CMRS) providers, and preempted state regulation of entry and rates for all reclassified CMRS providers.

On August 10, 1994, eight states filed petitions with the Commission requesting authority to "continue" regulating CMRS rates and entry. These states, however, have failed to meet their burden of proof under the Omnibus Budget Reconciliation Act. They have failed to file the evidence, information and analysis called for by the Act or by the Commission demonstrating that state regulation is necessary to protect the consumer.

The Cellular Telecommunications Industry Association, in response to these petitions, *has* assembled evidence that demonstrates that the CMRS marketplace is performing competitively. CTIA's Opposition to these petitions includes information on the rapid disappearance of barriers to entry to the CMRS marketplace, the increasing substitutability of CMRS services, the degree of customer satisfaction with CMRS services, and the adverse effect on competition and consumer welfare of state rate and entry regulation.



CTIA urges the Commission to reject the unsubstantiated state petitions, and instead permit the CMRS marketplace to grow and develop without unwarranted and inconsistent state rate and entry regulation.

Attached are copies of CTIA's Oppositions to the petitions, and one complete set of the evidence CTIA has submitted as attachments to CTIA's Oppositions.

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Sincerely,

Randall S. Coleman

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Randall S. Coleman
Vice President for
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September 20, 1994

Mr. Rudolfo Baca
Legal Advisor to Commisioner James H. Quello
Federal Communications Commission
1919 M Street, N.W. Room 802
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Rudy:

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Sincerely,

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Randall S. Coleman

Attachments



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Randall S. Coleman
Vice President for
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September 20, 1994

Ms. Jill Lockett
Special Advisor to Commisioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W. Room 844
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Jill:

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Randall S. Coleman

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**Randall S. Coleman
Vice President for
Regulatory Policy and Law**

September 20, 1994

Mr. James Coltharp
Special Advisor to Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W. Room 826
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Jim:

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Randall S. Coleman

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September 20, 1994

Ms. Karen Brinkmann
Special Assistant to Chairman Reed Hundt
Federal Communications Commission
1919 M Street, N.W. Room 814
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Karen:

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Randall S. Coleman
Vice President for
Regulatory Policy and Law

September 20, 1994

Mr. David Siddall
Legal Advisor to Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W. Room 832
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Dave:

Last year, Congress amended the Communications Act to create a uniform, nationwide, streamlined regulatory regime for mobile telecommunications services and to ensure that substantially similar services are subject to similar regulation. In order to "foster the growth and development of mobile services that, by their nature, operate without regard to state lines as an integral part of the national telecommunications infrastructure," Congress granted the Commission discretion to forbear from imposing certain Title II requirements upon Commercial Mobile Radio Service (CMRS) providers, and preempted state regulation of entry and rates for all reclassified CMRS providers.

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Randall S. Coleman

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Randall S. Coleman
Vice President for
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September 20, 1994

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W. Room 802
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
Petitions to Extend Rate Regulation

Dear Commissioner Quello:

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Randall S. Coleman

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Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W. Room 844
Washington, D.C. 20554

RE: PR File Nos. 94-SP1 through 94-SP8
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Federal Communications Commission
1919 M Street, N.W. Room 832
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Commisioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W. Room 826
Washington, D.C. 20554

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